



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,402	06/30/2003	Winefred Washington	013628.00499 (02CXT0078D)	1911
77339 7590 11/10/2009 JACKSON WALKER (CONEXANT) 901 MAIN STREET, SUITE 6000 DALLAS, TX 75202			EXAMINER JACKSON, JENISE E	
			ART UNIT 2439	PAPER NUMBER
			MAIL DATE 11/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/611,402	Applicant(s) WASHINGTON, WINEFRED	
	Examiner JENISE E. JACKSON	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15, 17-28 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Halpern(2006/0239453).
3. As per claim 1, Halpern discloses an integrated encryption key generator [0022, 0045]; a data buffer[0063]; an input/output register that interfaces with memory of the digital device[0050], and a memory controller that directs digital data from the memory to the data buffer with the digital data passing thorough the encryption key generator prior to entering the input/output register[0063].
4. As per claim 2, Halpern discloses an inaccurate clock[0015] a key store[0045] and a linear feedback shift register[0014]generates a pseudorandom bit pattern while the linear feedback shift register is enabled and stores a plurality of bits as at least one key in the key store[0014, 0063].
5. As per claim 3, Halpern discloses where the encryption key generator further includes a random number generator that receives the pseudorandom bit pattern from the linear feedback shift register and provides a random number for use by the digital device[0039, 0050].

6. As per claim 4, Halpern discloses pseudorandom bit pattern that creates a bit stream; and a key store that stores portions of pseudorandom bit pattern as the at least one keys[0050, 0063].

7. As per claim 5, Halpern discloses including a pseudo random number generator that selects a portion of the pseudorandom bit pattern to be random number[0052].

8. As per claim 7, Halpern discloses a subkey that creates a sub-key based on data from the memory controller and a selected key from the key store; and a combiner that combines the sub-key with the digital data[0069].

9. As per claim 8, Halpern discloses a data mixer that mixes the bits of a byte of digital data; and a combiner that combines the byte of the digital data prior to the byte being combined with the sub-key[0062, 0069].

Response to Arguments and Amendments

10. The Applicant rejected claims 1-5, 7-15, and 17-29 in the Non-Final action mailed 4/30/09. The Applicant responded to Non-Final action on 7/24/09. The Applicant cancelled claim 29, and amended claims 9, 12, and 22. The Applicant's newly amended limitations has overcome prior art of record. Claims 9-15, 17-28 are allowable. Claims 9, 12, and 22 are allowable for the features of, "generating at least one key based on input received from an inaccurate clock", and "an encryption key generator receiving a signal from an inaccurate clock and generating a plurality of keys for encrypting the encrypted digital data".

11. The Applicant states that Halpern does not disclose claim 1, because the Applicant states that Halpern discloses the encryption key generator is remotely located. The Examiner asserts

Art Unit: 2439

that the claim does not claim whether the encryption key generator remote or not. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies as stated above are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

12. The Applicant states that Halpern does not disclose an inaccurate clock. The Examiner disagrees with the Applicant. Halpern discloses a programmable counter, several flip-flops and bistables and various gates. Some of the logic control elements are also exposed to inputs of the logic levels of real data. These data are applied with a delay of one full clock pulse duration. [0015]. The Examiner asserts that the delay in the clock pulse is an inaccurate clock.

Final Necessitated by Amendment

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2439

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 5, 2009

/J. E. J./

Examiner, Art Unit 2439

/Kambiz Zand/

Application/Control Number: 10/611,402

Page 6

Art Unit: 2439

Supervisory Patent Examiner, Art Unit 2434